Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 529
08 September 1956

Relations between the Consultative Assembly and national parliaments

Report[1]
Bureau of the Assembly
Rapporteur: Mr Fernand DEHOUSSE, Belgium, Socialist Group

1. 1956 - 8th Session - Second part

A. Draft Resolution [2]

The Assembly,

Reaffirming its determination to exercise its consultative function in the full significance of the term;

Considering that one of the surest methods of achieving this aim is to improve and develop its relations with the parliaments of member countries;

Considering that the adoption of this method implies that those relations shall be of an organic and permanent character,

Decides :

1. There shall be set up a permanent working party with the general task of maintaining close links between the Consultative Assembly and national parliaments.

2. This Working Party shall be made up of seven members freely appointed by the Bureau.

It shall elect a Chairman.

It shall meet as often as it considers appropriate and, in any case, at least four times a year.

3. The Working Party shall select texts from among those adopted by t h e Consultative Assembly, for transmission to the national parliaments. Where necessary, it shall decide what funds are required for the translation, printing and distribution of the selected texts.

4. It shall provide the Assembly each year with a general picture of the action taken in the national parliaments to implement the Assembly's decisions

5. After each Session of the Assembly it shall assist the national delegations in the preparation of their reports to their parliaments.

6. The Working Party shall, accordingly' establish all the necessary contacts, in particular with the Chairmen of the political groups, the Committee Chairmen and Rapporteurs, the whips and the parliamentary attachés,

2. See 14th Sitting, 17th October 1956 (Referred to the Committee on General Affairs) and reference 119.

B. Draft Order to national delegations

The Assembly,

In pursuance of Resolution No. 104 (see draft Resolution above) setting up a Working Party for liaison with national parliaments,

Invites all national delegations :

a. to appoint one or several « whips » to be responsible for relations between the delegation and the Working Party. The task of these whips will be to ensure that their respective delegations apply the measures decided upon by the Working Party;

b. to secure the assistance of parliamentary . attachés, who might be selected, for example, from among the permanent secretaries of delegations.

These attachés would be required to devote themselves exclusively to their duties vis-à-vis the Assembly.

C. Draft Order to the Secretary-General

The Assembly instructs the Secretary- General to examine the problems involved in the establishment of a corps of parliamentary attachés, along the lines indicated in the present report, and to submit his conclusions as soon as possible to the Bureau, which will discuss them with the Working Party.

D. Explanatory Memorandum by M. DEHOUSSE, Rapporteur

1.

From the time the Council of Europe was set up the Consultative Assembly has been aware that , in order to persuade the Committee of Ministers to implement measures proposed at Strasbourg, it is extremely important to secure the assistance of national parliaments.

At its second Session in August 1950 it recommended " that the Committee of Ministers, by a majority of its members, invite Governments to submit to their parliaments such recommendations or draft conventions as the Assembly may recommend, for public debate and, in due course, for adoption by them " (Recommendation 14).

By virtue of its Resolution 10, the Assembly also decided that resolutions selected by the Standing Committee from among those passed by the Assembly should be " communicated to the Governments of all Member States of the Council of Europe and to all Members of Parliaments of these States ". The Representatives to the Assembly undertook " to do their utmost to secure that such resolutions, selected by the Standing Committee, shall as quickly as possible be presented to their respective parliaments for discussion ". Representatives who had voted for these resolutions undertook " to use their best endeavours to ensure their adoption by their respective parliaments ".

As these proposals came to nothing, the Assembly took up this question again and adopted Resolution 61 on 24th September 1954 and Resolution 70 on 7th July 1955

The Rapporteur of the Committee on General Affairs in his letter of 24th April 1956 drew the attention of the President of the Assembly to the need to adopt measures for implementing these resolutions.

In the light of this letter the Bureau, on 2nd June 1956, instructed the President to present a new report to the Assembly.

Such then is the background to this question which the Assembly is about to reexamine.

The following preliminary comments would seem to be called for :

1. According to Article 22 of the Statute, texts adopted by the Assembly must go to the Committee of Ministers, that is, the executive organ of the Council. If the Assembly wishes to supply these texts to parliamentarians who are not members of the Assembly, their form and presentation will have to be altered.
2. Generally speaking " Opinions", which are replies to the Committee of Ministers, are the end-product of a series of exchanges between the two organs of the Council of Europe; outsiders find them all the more difficult to understand as they contain references to former texts.
3. Certain documents deal with purely internal matters (emblem, formation of committes, etc.), and as such they are of scant interest to the national parliaments.
4. Then there are other documents, which concern the actual operation of the Council of Europe. It would serve little purpose to transmit them to national parliaments.
5. Some resolutions are not addressed to all member countries; others are sometimes of interest to one country, sometimes to another. They therefore call for special treatment.

An analysis of the resolutions adopted during the first six years of the Council's existence show that about half of them are of no interest to national parliaments. A brief examination of the compilation of texts adopted during the first part of the 1955 Session shows that 45 pages out of 98 are that kind. Hence it would do more harm than good to transmit to national parliaments all the texts adopted by the Consultative Assembly.

This being so, before any approach is made to the parliaments, it must be ensured that the texts it is proposed to send them meet the following requirements :

1. They must be clearly drafted, particularly as some readers will know practically nothing about the Council of Europe. In particular, they must not contain references to the Council of Europe documents intended for internal circulation, or to unexplained past records. Thus in practically every case documents will either have to be accompanied by explanations or, on the contrary, be made more concise. Very few texts will be suitable for sending as they stand.

2. That they should really be of interest to the members of national parliaments to whom they are addressed.

3. That they should be as short and as few in number as possible.

4. That they should relate to relatively short-term projects.

The report presented to the Assembly by the Committee of General Affairs (Doc. 349), in June 1955, examines the three ways in which national parliaments can take part in the Assembly's work :

1.1. 1. Discussion by national parliaments of recommendations of the Assembly which call for a decision by the Committee of Ministers or national parliaments

As long as national parliaments do not support recommendations of the Assembly which call for a specific decision by the Committee of Ministers, there is little hope that Governments will give them the consideration which they deserve. It would therefore appear essential that such recommendations should be discussed in national parliaments with as little delay as possible, and in any case before Governments have determined their attitude towards them...

1.2. 2. Circulation to national parliaments of texts adopted by the Assembly when the questions with which they are concerned are debated iti those parliaments

It is in the interests of the Council of Europe that, whenever a national parliament debates a question on which the Consultative Assembly has adopted a resolution, the text of the resolution should be communicated to it. This is particularly t r u e of texts adopted by the Assembly following debates on general policy...

1.3. 3. Regular transmission to national parliaments of information on the work of the Consultative Assembly

Apart from those cases in which national parliaments are asked to give their support to any particular recommendation of the Assembly, it is desirable that they should be kept regularly informed of its activities. They would thus become better acquainted with the various aspects of the Assembly's work and its rôle in European politics... »

Such then are the ends in view as outlined by the Rapporteur of the Committee on General Affairs and unreservedly approved by the Assembly. The next step is to adopt the necessary practical measures to carry these aims into effect.

In all cases there are four practical problems to be solved.

1.3.1. 1. Selection of texts

Various methods have already been proposed for deciding which of the texts adopted by the Assembly should be transmitted to the national parliaments.

Resolution 10 of 1950 gives the Standing Committee the task of selecting these documents, whereas Resolution 70. of 1954 gives it to the Bureau.

M. Mommer, in his communication of 24th April 1956 to the President of the Assembly, suggests appointing a working party made up of the Bureau of the Assembly, the rapporteurs of committees, at least one Representative from each parliament and the secretaries of national delegations.

We consider this method to be the best, provided, however, that the membership of the working party does not reach the figure suggested by M. Mommer. Indeed, if this proposal were followed to the letter the workingparty would end up with some t h i r ty members, excluding the secretaries of national delegations. To be really efficient, a working party should be a small group of really active members. The proposed working p a r t y might comprise seven members selected by the Bureau by reason of their competence, their keenness and their determination to give their time to the task in hand.

We shall return later to the functioning and role of the working party.

1.3.2. 2. Translation

Resolution 61 instructed the Clerk of the Assembly to report to the Assembly on the technical and financial implications of preparing a translation of texts adopted by the Assembly in the languages of the countries to which such texts are sent.

A study of this question has led to the following conclusions :

Apart from the two official languages and Gaelic, nine languages are involved : German, Italian, Dutch, Danish, Swedish, Norwegian, Icelandic, Greek and Turkish.

Under present circumstances the Secretariat would find it very difficult to undertake these translations.

Furthermore, translations made by professional translators unfamiliar with parliamentary techniques will, of necessity, be imperfect and will have to be revised by specialists.

The best, indeed, the only possible, solution would be to entrust this work to " parliamentary attachés ", of whom more will be said later. 3. Printing and distribution The printing of texts and their circulation to parliamentarians will automatically be carried out by the national authorities in the case of texts suitable for inclusion in the official acts or records of the parliament concerned, for instance, Assembly resolutions which give rise to Bills or resolutions, written questions, " interpellations ", etc.

The best, indeed, the only possible, solution would be to entrust this work to " parliamentary attachés ", of whom more will be said later.

1.3.3. 3. Printing and distribution

The printing of texts and their circulation to parliamentarians will automatically be carried out by the national authorities in the case of texts suitable for inclusion in the official acts or records of the parliament concerned, for instance, Assembly resolutions which give rise to Bills or resolutions, written questions, " interpellations ", etc.

But this will not apply in all cases; for instance it is not applicable to " information " documents which constitute the majority of texts. It is therefore for the Council to arrange for their printing and circulation in agreement with the national parliaments. The circulation figures would be of a fairly high order, say : 1,000 copies in English, 1,000 in French, 900 in Italian, 650 in German, 400 in Turkish, 400 in Swedish, 400 in Dutch, 300 in Greek, 200 in Norwegian, 190 in Danish and 52 in Icelandic. Printing.

Printing costs would be reduced if the Secretariat-General were able to assume respon sibility for printing the German, Italian, Turkish and Dutch versions itself.

1.3.4. 4. Discussion in parliament

A parliamentary debate can only be initiated by members of parliament. They alone can judge the best way of dealing with a particular case, and, what is more, they alone deal with it.

The means available, which vary from parliament to parliament, are roughly as follows :

One or several members may speak in the course of a debate on a subject related to the resolution in question. For instance, the discussion on the ratification of the Paris Agreements made it possible to introduce Resolutions 66 and 67.

Oral questions, which are generally placed on the agenda of a Sitting, according to the position it occupies on the register of questions.

Written questions, the reply to which is published in the official gazette. In France, the Government must, in principle, reply within a month; in Germany, the President of the Bundestag states in writing whether and when the Government will reply, etc.

" Interpellations ".

Tabling of a motion, once the "interpellation " has given rise to a debate.

Tabling of a motion for a resolution.

Tabling (for instance in the Italian Parliament) of a motion leading to a general discussion, followed by a vote.

Introduction of a Bill.

The form in which the various texts . are presented to the national parliaments will vary according to the procedure selected. The Secretariat-General cannot be expected to know the legal and parliamentary language of all the parliaments of Member States. It can help Representatives who intend to support a given text and it can prepare drafts, but it is not in a position to supply texts in the form required by national tradition. It would seem preferable therefore to entrust this task to the whips and parliamentary attaches who are discussed below.

Now that the goals to be reached and the methods of reaching them have been outlined, the next step is to determine which organs are to act as liaison bodies between the Consultative Assembly and the national parliaments. There would appear to be four possibilities :

1.3.4.1. 1. A working party

This would be made up of seven members freely appointed by the Bureau. It would elect its Chairman and meet as often as it considered appropriate and, in any case, at least four times a year. It would hold, whenever required, meetings with the whips, the Chairmen of the political groups and the parliamentary attaches. It would be assisted in its work by the Clerk's Office.

The working party would formulate the principles governing the selection of texts, ask for the necessary credits to defray the cost of translation or printing and distribution, see to it that the national delegations present at each Session a report on the action taken by their parliament on the Assembly's work and act as a sort of clearing-house for these reports. It would appoint a rapporteur to provide the Consultative Assembly with a general picture of the action taken in the various national parliaments and would also assist national delegations in the preparation, after each Session of the Consultative Assembly, of the report for its national parliament.

The working party will thus form the instrument of an active intercourse between the national parliaments and the Strasbourg Assembly.

1.3.4.2. 2. The whips

In each delegation, one or two Representatives should be responsible for action taken in their parliament to promote the cause of the Council of Europe. These whips would undertake to ensure the application of measures jointly agreed upon with the working party. They would suggest to the members of the delegation what procedure should be applied to each particular text.

1.3.4.3. 3. The parliamentary attaches

At the present time, secretaries of delegations are, as a rule, officials who, when they leave Strasbourg, return to exacting duties unrelated to the work of the Consultative Assembly. It was for this reason that Resolution 70 proposed that delegations should appoint permanent secretaries who would devote themselves exclusively to relations between their parliament and European institutions.

This suggestion is an excellent one, and it is essential that it be taken up. The creation of these posts will require the opening of special credits. The financial factor, which affects different countries in different ways, is one of the first points which the working party will have to consider.

It would also be necessary to provide for meetings of parliamentary attaches between sessions, with or without the Working Party. Credits should accordingly be opened in the budgets of national parliaments or that of the Council of Europe. At the present time i t is impossible to convene the secretaries of delegations when the Assembly is not in Session, as their attention is claimed by their national duties and, besides, no funds are available to cover the expenses entailed by these journeys.

It may be possible for the various European organisations to agree on a definition of the status of " parliamentary attache ".

These attaches would translate the relevant texts and would give them a suitable form for presentation to the parliament of their country.

They would draw up reports on the work of the Sessions of the Consultative Assembly for submission to their parliaments and would help the whips prepare for the working party a progress report on the work of the national delegations in their parliaments.

1.3.4.4. 4. The office of the Clerk

The office of the Clerk would, among its other tasks, deal with relations with the national parliaments. It would keep in touch with parliamentary officials and work in close cooperation with the attaches.

To cope with these task a new section will probably have to be added in the near future to the Office of the Clerk.

Consideration might also be given to other measures as soon as the working party has been selected, the whips chosen and the parliamentary attaches appointed. The fate of the Assembly's proposals and, ultimately, that of the Council of Europe itself, will largely depend on the keenness of all concerned.

Appendix 1 APPENDIX I

LETTER FROM THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY TO THE SECRETARY-GENERAL OF THE COUNCIL OF EUROPE

relating to the debate held in the Bundestag on questions concerning the Council of Europe

Bonn, 17th May 1956.

Sir,

I have the honour to inform you that on 22nd and 23rd March 1956, the Bundestag devoted a special Session to the Council of Europe and to those questions of European co-operation, which are being discussed by the Council at the present time

This debate in Parliament has made manifest the unanimous desire of all German parties to encourage to the best of their ability co-operation between Member States of the Council of Europe and, in this way, to make the Council itself an increasingly effective instrument of European union, fn particular, the debate brought out how far the progress achieved in European collaboration up to the present time and over numerous fields of international activity has been due to the systematic and persistent effort of the Council of Europe and to governmental and parliamentary representatives to the organisation as well as to the Secretary-General and his staff, ft also revealed the extent to which German public opinion has been impressed by the persistent interest, on the political plane, taken by the Committee of Ministers and by the Consultative Assembly in the crucial problem of German policy : the re-establishment of German political unity.

The Bundestag considered, in the first place, important questions in suspense relating to a common European policy in future East-West conferences, measures towards European economic integration, and the economic development of Southern Europe. It took note with particular satisfaction of Resolution 87 of the Consultative Assembly of the Council of Europe adopted, on 26th October 1955, having regard to the necessity for a speedy reunification of Germany on the basis of free elections and to the indissoluble link which exists between reunification, disarmament and security, as well as of the corresponding resolution of the Comittee of Ministers adopted on 13th December 1955.

The Bundestag, furthermore, gave expression to the desire of the Federal Republic to co-operate energetically in the establishment of a common market, to include all European nations, by taking appropriate steps and, in particular, by mutual reductions of customs tariffs. It also recorded the desire of the Federal Republic to furnish aid to those areas of Europe which were as yet insufficiently developed. The Bundestag also emphasised the need for the closest possible collaboration in matters concerning European postal relations. Finally, the Bundestag underlined the importance of measures foreshadowed by the Council of Europe to resolve the problem of refugees in Europe and recorded its approval for greatly increased cultural exchanges between Member States of the Council of Europe

In the course of discussion, the German Parliament also dealt with, a certain number of technical questions with a view to simplifying travel in Europe and more particularly in connection with the simplification of frontier formalities for travellers by rail, air or road. I venture to call your attention to the fact that measures taken by the Federal Republic towards the suppression of visas met with general approval from the Member States of the Council of Europe; this was a first and effective step towards the very necessary simplification of travel in Europe. The Federal Republic would now propose to suppress, as between Member States of the Council of Europe, passports and the obligatory triptyque; for its part, it is on the point of taking steps on these lines with a view to sup-: pressing the international carnet for motorists and in particular the customs deposit required of automobile associations for the temporary importation of motor vehicles. As wide a measure as possible of simplification of frontier formalities in Europe should be regarded as an essential condition of European understanding and the strengthening of European co-operation. The importance of the technical problems underlying the basis of more developed measures of simplifying travel in Europe would seem to justify these problems being submitted for careful consideration by the Ministers' Deputies and, possibly, by experts of Member Governments of the Council of Europe. The Federal Government will submit proposals along these lines.

The debate on the Council of Europe in the Bundestag, Sir, was designed to take account of the desire recorded at various times by the Consultative Assembly that national parliaments should take a more positive part in the work of the Council of Europe. It gives proof of the lively interest which the Federal Republic attaches to an intensification of European collaboration in all fields and, at the same time, confirms how useful has been the work so far accomplished by the Members of the Council of Europe.

May I request that you kindly bring this letter to the attention of Member Governments.

1 remain, Sir,

Your obedient Servant,

Signed : HALLSTEIN

Appendix 2 APPENDIX II

LETTER FROM THE PRESIDENT AND THE VICE-PRESIDENT OF THE DELEGATION OF THE GERMAN FEDERAL REPUBLIC

sent to all members of the Consultative Assembly of the Council of Europe and relating to the debate held in the Bundestag on questions concerning the Council of Europe

Bonn, 29 June 1956.

Dear Sir or Madam,

As you have probably seen from Document AS/PN (1956) 1 of the Council of Europe, the German Representatives to the Consultative Assembly by introducing a number of motions and questions in the Bundestag brought about a discussion last March on the recommendations and resolutions of the Consultative Assembly. All the motions were carried by the Bundestag either unanimously or by a great majority. The German Representatives thus acted in conformity with Resolution 70 which sought to initiate sucessful co-operation between the Consultative Assembly and the national parliaments and to bring about the implementation of the recommendations and resolutions of the Council of Europe by the introduction of appropriate legislation in the Member States.

We are happy to be able to inform you that the Federal Government has already responded to our Bundestag motions by adopting a number of new measures; the course pursued by Resolution 70 has thus proved a suitable one for obtaining practical results from our joint work in the Comittees and Assembly of the Council of Europe. This work can, however, only be completely successful if similar action is taken in other national parliaments. The German delegates therefore take the liberty of informing their colleagues in the other parliaments of the steps they have taken and asking them to cause corresponding measures to be adopted by their Governments.

As a result of the motions introduced by us in the German Bundestag, the following new regulations within the meaning of the recommendations of the Council of Europe have been issued in the course of the past three months :

1. In conformity with Recommendation 91 of the Consultative Assembly, the Bundestag has inserted an amount of 50,000,000 marks in the Federal budget in support of economically underdeveloped territories.

2. The Federal Government has waived the requirement for foreign visitors to be in possession of international papers for motors vehicles, without insisting for the time being on reciprocity. It will, however, enter into negotiations with the other Governments which have not yet taken similar action, for the purpose of concluding bilateral agreements. It has, furthermore, considerably reduced the charges for the issue of such papers.

3. The Federal Government will give its support to Recommendation 84 of the Consultative Assembly in the Committee of Ministers of the Council of Europe. It is, moreover, engaged in negotiations with the Governments of France, Italy, Austria, Belgium, Luxembourg and the Netherlands with a view to waiving the requirement of producing a passport, provided that persons crossing the frontier are in possession of national identity papers. We would ask our colleagues especially in the countries with which far reaching agreement has already been reached, viz. Belgium France and Luxembourg, to urge that these negotiations be brought to a speedy conclusion.

4. An amendment to the existing passport regulations of 12th May 1956 has led to a considerable simplification of frontier formalities; exemption from the visa requirement is no longer limited to a definite period of residence; passports of non- German travellers are no longer stamped except where a German visa has been inserted; the Federal Government is endeavouring to abolish the visa requirement completely; insofar as visas are still required, applications are dealt with as quickly as possible and no charge is made; in the case of travellers crossing the frontier with a national passport of any one of the Member States of the Council of Europe or O. E. E. C, inspection of passports at the frontier is restricted to spot-checks; the same applies to local residents holding frontier passes.

The Federal Government is endeavouring to put these tentatively introduced unilateral facilities on a permanent footing by means of bilateral agreements on a reciprocal basis primarily with neighbouring countries. It would therefore be particularly desirable that these efforts should receive the support of the national parliaments concerned.

5. In order to simplify and cut down costs of customs clearance for private cars the usual customs guarantees and supervision of the whereabouts of cars is now dispensed with in the Federal Republic. The Federal Government will recommend to the other Governments that they adopt the new procedure which is being at present carried out on as an experiment, trial and unilaterally.

6. The Federal Government is engaged in negotiations on the accession of the Federal Republic to W. E. U's European conventions on social security. The accession of other Member States of the Council of Europe to these conventions has been demanded repeatedly by the Consultative Assembly.

7. In accordance with Recommendation 68 of the Consultative Assembly, the Federal Government has acceded to the International Convention for the Prevention of Pollution of the Sea by Oil and has framed appropriate legislation. In Recommendation 68, delegates are asked to draw the attention of their national parliaments to the importance of this question.

On behalf of the German delegation to the Council of Europe we have the honour to ask the other members of the Consultative Assembly to bring their influence to bear in their parliaments in order that that their Governments may likewise examine the recommendations and resolutions of the Consultative Assembly, and to recommend that their Governments should achieve concrete results in the negotiations with the Federal Government with a view to the conclusion of bilateral agreements.

Please accept, dear Sir or Madam, the assurance of our high consideration.

Signed : Hermann PÜNDER

President of the German Delegation

Ernst PAUL

Vice-President of the German Delegation